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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
GARY JAMES ROLLER,)
)
Defendant.)
)
)
)
)
)

No. CR 08-00361(B) RMW

**STIPULATION AND []
ORDER SETTING TRIAL DATE ON
SEPTEMBER 19, 2011, AND
EXCLUDING TIME FROM JULY 25,
2011 TO SEPTEMBER 19, 2011, FROM
CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

The parties hereby request that the Court enter this order setting a trial date for September 19, 2011, and excluding time from July 25, 2011 through September 19, 2011. Trial in this matter is currently scheduled for July 25, 2011. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from July 25, 2011 through September 19, 2011 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions and defenses are appropriate. Defense

counsel has indicated that there are additional items that he will be seeking in discovery, including some computer forensic information. In addition, defense counsel will be involved in a two-week sexual assault trial beginning on July 18, 2011. Once that trial is concluded, defense counsel will need additional time to prepare for trial. Moreover, government will be unavailable for two weeks in August 2011 due to annual leave. Therefore, for effective preparation of defense counsel and continuity of counsel, the parties respectfully request that the Court vacate the current trial date of July 25, 2011, set a September 19, 2011 as the date for trial in this matter and September 8, 2011 as the date for the pretrial conference in this case.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense and continuity of defense counsel; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for the period from July 25, 2011 through September 19, 2011.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from July 25, 2011 through September 19, 2011 outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: July 5, 2011

/s/ Richard Pointer
RICHARD POINTER
Attorney for Defendant

DATED: July 5, 2011

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

[] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18

1 U.S.C. § 3161, from July 25, 2011 through September 19, 2011, based on the need for the
2 defense counsel to investigate further the facts of the present case, review the discovery that the
3 government has already provided and will provide and evaluate further possible defenses and
4 motions available to the defendant and otherwise prepare for trial; (2) the exclusion of time is
5 necessary for effective preparation of the defense and continuity of counsel and is in the
6 defendant's best interests; and (3) the ends of justice are served by excluding from Speedy Trial
7 calculations the period from July 25, 2011 through September 19, 2011.

8 Accordingly, the Court further orders that (1) trial in this case be scheduled for
9 September 19, 2011 and pretrial conference in this case be scheduled for September 8, 2011 at
10 1:30 p.m.; and (2) the time from July 25, 2011 through September 19, 2011 is excluded from
11 time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

12
13 IT IS SO ORDERED.

14 DATED: 7/13/11


THE HONORABLE RONALD M. WHYTE
United States District Court Judge

16 **IT IS FURTHER ORDERED that the Pretrial Conference is reset to September 8,**
17 **2011 at 2:00 p.m.**